## **U.S. District Court United States District Court – District of New Mexico (Las Cruces)** CRIMINAL DOCKET FOR CASE #: 2:10-cr-00606-RB-2

Case title: USA v. Sauceda

Magistrate judge case number: 2:09-mj-02971-LAM

Date Filed: 03/10/2010

Date Terminated: 10/12/2010

Assigned to: Sr. District Judge

Robert C. Brack

Appeals court case numbers: 10-2229 US Court of Appeals, 12–2067 Tenth Circuit Court of Appeals

#### Defendant (2)

Mario Aldo Sauceda TERMINATED: 10/12/2010 represented by **Gregory Garvey** 

Garvey Law Firm PO Box 818

Mesilla Park, NM 88047

575-305-4169

Email: greg@garveylawfirm.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or Community

Defender Appointment

Thomas L. Wright

Tom Wright Attorney at Law

887 N. Main Street Las Cruces, NM 88001

915-526-4299

Email: twright2@sbcglobal.net

TERMINATED: 02/13/2015

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Retained

#### Mark D. Jarmie

Jarmie & Associates 514 Marble Ave., N.W. Albuquerque, NM 87102

5052436727 Fax: 5052425777

Email: mjarmie@jarmielaw.com TERMINATED: 02/13/2015 ATTORNEY TO BE NOTICED Designation: CJA Appointment

### **Disposition**

SENTENCE IMPOSED: BOP 188 months; 6 years Supervised Release imposed; Special Conditions; 500-Hour Drug Program; SPA \$100; deft in custody.

#### **Pending Counts**

21 USC 846: CONSPIRACY

(1)

# **Highest Offense Level (Opening)**

Felony

**Terminated Counts** 

**Disposition** 

None

Highest Offense Level (Terminated)

None

**Complaints** 

**Disposition** 

21:846: Conspiracy to Possess with Intent to Distribute 20 Lbs or more of Methamphetamine

### **Plaintiff**

**USA** 

represented by Aaron O Jordan

United States Attorney 200 N. Church Street Las Cruces, NM 88001 575–522–2304 Fax: 575–522–2391

Email: <u>aaron.o.jordan@usdoj.gov</u> *LEAD ATTORNEY* 

ATTORNEY TO BE NOTICED

Designation: Retained

Date Filed	#	Docket Text
10/14/2009		Judge update in case as to Angela Mendoza & Mario Sauceda. Magistrate Judge Lourdes A. Martinez assigned (rh) [2:09–mj–02971–LAM] (Entered: 10/14/2009)
10/14/2009	<u>1</u>	COMPLAINT as to Angela Mendoza (1) & Mario Sauceda (2). (yc) [2:09-mj-02971-LAM] (Entered: 10/15/2009)
10/14/2009		Arrest of Mario Sauceda (yc) [2:09-mj-02971-LAM] (Entered: 10/15/2009)
10/14/2009	<u>3</u>	Clerk's Minutes for proceedings held before Magistrate Judge Kea W. Riggs: Initial Appearance as to Mario Sauceda held on 10/14/2009; preliminary & detention hrg set on 10/19/09; deft in custody; (Tape #RO 10–09) (yc) [2:09–mj–02971–LAM] (Entered: 10/15/2009)
10/15/2009	4	ORDER APPOINTING FEDERAL PUBLIC DEFENDER Gregory Garvey for Mario Sauceda by Magistrate Judge Lourdes A. Martinez (rh) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [2:09-mj-02971-LAM] (Entered: 10/15/2009)
10/15/2009	5	NOTICE OF HEARING as to Mario Sauceda Preliminary/Detention Hearing set for 10/19/2009 at 09:30 AM in Las Cruces – Judge Lourdes A. Martinez Courtroom before Magistrate Judge Lourdes A. Martinez. (rh) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [2:09-mj-02971-LAM] (Entered: 10/15/2009)
10/15/2009	6	FILED IN ERROR: AMENDED NOTICE OF HEARING as to Mario Sauceda Preliminary/Detention Hearing set for 10/16/2009 at 9:30 AM in Las Cruces – Judge Lourdes A. Martinez Courtroom before Magistrate Judge Lourdes A. Martinez. (eg) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] Modified text on 10/15/2009 (eg) [2:09-mj-02971-LAM] (Entered: 10/15/2009)

10/16/2009	8	Clerk's Minutes for proceedings held before Magistrate Judge Lourdes A. Martinez: Preliminary/Detention Hearing as to Mario Sauceda held on 10/16/2009; preliminary hearing and right to grand jury presentment waived; deft detained as a flight risk and danger to community (Tape #FTR/LCS) (sju) [2:09-mj-02971-LAM] (Entered: 10/16/2009)
10/16/2009	9	ORDER OF DETENTION by Magistrate Judge Lourdes A. Martinez as to Mario Sauceda (sju) [2:09–mj–02971–LAM] (Entered: 10/16/2009)
10/16/2009	<u>10</u>	WAIVER of Preliminary Hearing/Grand Jury Presentment within 75 days for a total of 105 days pursuant to 18:3161 by Mario Sauceda (sju) [2:09-mj-02971-LAM] (Entered: 10/16/2009)
10/16/2009	<u>11</u>	ORDER TOLLING SPEEDY TRIAL COMPUTATION pursuant to 18 USC 3161 by Magistrate Judge Lourdes A. Martinez as to Mario Sauceda (Time excluded from 11/14/09 until 1/27/10) (sju) [2:09-mj-02971-LAM] (Entered: 10/16/2009)
11/09/2009		Attorney update in case as to Angela Mendoza, Mario Sauceda. Attorney Aaron O Jordan for USA added. (eg) [2:09-mj-02971-LAM] (Entered: 11/09/2009)
12/17/2009		FILED IN ERROR – Attorney update Attorney Jess R. Lilley for Angela Mendoza added. (ctd) Modified to add error text on 1/5/2010 (ctd) [2:09–mj–02971–LAM] (Entered: 12/17/2009)
12/18/2009	<u>20</u>	ORDER Setting Conditions of Release by Magistrate Judge Lourdes A. Martinez as to Angela Mendoza (1) \$5,000 unsecured bond (sju) [2:09-mj-02971-LAM] (Entered: 12/18/2009)
01/06/2010	<u>23</u>	Unopposed MOTION to Continue <i>Time Limit for Filing of Indictment or Information</i> by Mario Sauceda. (Garvey, Gregory) [2:09–mj–02971–LAM] (Entered: 01/06/2010)
01/07/2010	<u>24</u>	ORDER CONTINUING TIME FOR FILING OF INDICTMENT OR INFORMATION pursuant to 18 USC 3161(h)(7)(A) by Magistrate Judge Lourdes A. Martinez as to Mario Sauceda (Time excluded from 1/28/10 until 3/28/10) Terminated document(s): 23 Unopposed MOTION to Continue <i>Time Limit for Filing of Indictment or Information</i> filed by Mario Sauceda (sju) Modified text on 1/8/2010 (sju) [2:09–mj–02971–LAM] (Entered: 01/07/2010)
02/10/2010	<u>31</u>	MOTION to Substitute Attorney Gregory Garvey for Thomas L. Wright as to Mario Sauceda (Wright, Thomas) Modified to correct text 2/11/2010 (ctd) [2:09-mj-02971-LAM] (Entered: 02/10/2010)
02/16/2010	<u>32</u>	ORDER by Magistrate Judge Lourdes A. Martinez granting <u>31</u> Motion to Substitute Attorney. Thomas Wright for Mario Sauceda replacing Gregory Garvey (icm) [2:09–mj–02971–LAM] (Entered: 02/16/2010)
03/08/2010	35	NOTICE OF HEARING as to Mario Sauceda Change of Plea Hearing set for 3/10/2010 at 9:30 AM in Las Cruces – Judge Lourdes A. Martinez Courtroom before Magistrate Judge Lourdes A. Martinez. (eg) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] [2:09-mj-02971-LAM] (Entered: 03/08/2010)
03/10/2010	<u>36</u>	INFORMATION as to Mario Aldo Sauceda (2) count(s) 1. (dmw) (Entered: 03/10/2010)
03/10/2010	<u>37</u>	INFORMATION TO ESTABLISH PRIOR CONVICTION as to Mario Aldo Sauceda (dmw) (Entered: 03/10/2010)
03/10/2010	<u>38</u>	WAIVER OF INDICTMENT by Mario Aldo Sauceda (dmw) (Entered: 03/10/2010)
03/10/2010	<u>39</u>	CONSENT TO PLEA BEFORE US MAGISTRATE JUDGE by Mario Aldo Sauceda (dmw) (Entered: 03/10/2010)
03/10/2010	<u>40</u>	PLEA AGREEMENT as to Mario Aldo Sauceda (dmw) (Entered: 03/10/2010)
03/10/2010	41	Clerk's Minutes for proceedings held before Magistrate Judge Lourdes A. Martinez: Plea Hearing as to Mario Aldo Sauceda held on 3/10/2010; deft entered guilty plea to information; sentencing to be set; deft in custody (Tape #:FTR/LCS @ 10:53 am) (dmw) (Entered: 03/10/2010)

07/22/2010	<u>42</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Mario Aldo Sauceda (Wright, Thomas) (Entered: 07/22/2010)
08/04/2010	43	NOTICE OF HEARING as to Mario Aldo Sauceda: Sentencing set for 8/24/2010 at 02:30 PM in Las Cruces – 320 Tortugas Courtroom (North Tower) before District Judge John E. Conway. (lj) (Entered: 08/04/2010)
08/17/2010	44	MOTION for Downward Departure by Mario Aldo Sauceda. (Wright, Thomas) (Entered: 08/17/2010)
08/23/2010	45	MINUTE ORDER as to Mario Aldo Sauceda vacating the final disposition hearing set on 8/24/10 at 2:30 p.m. until the Court's next docket in Las Cruces in October. (THIS IS A TEXT ONLY ENTRY – THERE ARE NO DOCUMENTS ATTACHED) (lj) (Entered: 08/23/2010)
09/21/2010	<u>46</u>	NOTICE OF HEARING as to Mario Aldo Sauceda: Sentencing set for 10/12/2010 at 02:30 PM in Las Cruces – 320 Tortugas Courtroom (North Tower) before District Judge John E. Conway. (lj) (Entered: 09/21/2010)
10/07/2010	<u>47</u>	RESPONSE to Motion by USA as to Mario Aldo Sauceda re <u>44</u> MOTION for Downward Departure (Jordan, Aaron) (Entered: 10/07/2010)
10/12/2010	<u>48</u>	Clerk's Minutes for proceedings held before Senior District Judge John E. Conway: Sentencing held on 10/12/2010 for Mario Aldo Sauceda (2), Count 1, SENTENCE IMPOSED: BOP 188 months; 6 years Supervised Release imposed; Special Conditions; 500–Hour Drug Program; SPA \$100; deft in custody. (Court Reporter: Julie Goehl) (bap) (Entered: 10/13/2010)
10/18/2010	<u>49</u>	JUDGMENT as to Mario Aldo Sauceda by District Judge John E. Conway (lj) (Entered: 10/18/2010)
10/21/2010	<u>50</u>	"FILED IN ERROR" wrong event was used, will Refile correctly. NOTICE <i>of Appeal</i> by Mario Aldo Sauceda (Wright, Thomas) Modified text on 10/22/2010 to add error message (bap). (Entered: 10/21/2010)
10/22/2010	<u>51</u>	NOTICE OF APPEAL by Mario Aldo Sauceda (appeal fee not paid) (Wright, Thomas) Modified on 10/22/2010 (pg). (Entered: 10/22/2010)
10/22/2010	<u>52</u>	Transmission of Preliminary Record for Notice of Appeal as to Mario Aldo Sauceda to US Court of Appeals re 51 (pg) (Entered: 10/22/2010)
10/25/2010	<u>54</u>	ORDER by Magistrate Judge Karen B. Molzen granting 53 Motion for Leave to Appeal IFP as to Mario Aldo Sauceda (2). (KBM) (Entered: 10/25/2010)
10/25/2010	<u>55</u>	USCA information letter with case number 10–2229 as to Mario Aldo Sauceda <u>51</u> (pg) (Entered: 10/25/2010)
10/26/2010	<u>56</u>	TRANSCRIPT Order Form by Mario Aldo Sauceda for proceedings held on 10/13/2010 before Judge Conway, re <u>51</u> Notice of Appeal – Final Judgment Transcript due by 11/5/2010. (Wright, Thomas) (Entered: 10/26/2010)
10/27/2010	<u>57</u>	Court Reporter Julie Goehl's estimation date of October 31, 2010 for completion of October 12, 2010 transcript for the notice of appeal. re <u>51</u> (pg) (Entered: 10/27/2010)
10/31/2010	<u>58</u>	TRANSCRIPT of Sentencing and Revocation of Supervised Release as to Mario Aldo Sauceda held on October 12, 2010, before Judge John Edwards Conway. Court Reporter/Transcriber Julie Goehl, Telephone number 505–348–2209. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.
		PLEASE TAKE NOTICE that each party now has seven (7) calendar days to file a Notice of Intent to Request Redaction of any personal identifiers from this transcript. If no notice is filed during this seven—day period, the court will assume that redaction of personal data is not necessary and will make the transcript electronically available, as is, to the public after 90 days. For additional guidance, PLEASE REVIEW the complete policy, located in the CM/ECF Administrative Procedures Manual at

		www.nmcourt.fed.us. Transcripts may be purchased from the court reporter and/or viewed (but not copied) at the Clerk's Office public terminal within the 90–day period.  Notice of Intent to Request Redaction set for 11/12/2010. Redaction Request due 11/22/2010. Redacted Transcript Deadline set for 12/1/2010. Release of Transcript Restriction set for 1/31/2011.(jg) (Entered: 10/31/2010)
11/01/2010	<u>59</u>	TRANSCRIPT of Proceedings of Plea Hearing as to Mario Aldo Sauceda held on March 10, 2010, before The Honorable U.S. Magistrate Judge Lourdes A. Martinez. Court Reporter/Transcriber Exceptional Reporting Services, Inc., Telephone number 1–877–670–7774. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.
		PLEASE TAKE NOTICE that each party now has seven (7) calendar days to file a Notice of Intent to Request Redaction of any personal identifiers from this transcript. If no notice is filed during this seven—day period, the court will assume that redaction of personal data is not necessary and will make the transcript electronically available, as is, to the public after 90 days. For additional guidance, PLEASE REVIEW the complete policy, located in the CM/ECF Administrative Procedures Manual at www.nmcourt.fed.us. Transcripts may be purchased from the court reporter and/or viewed (but not copied) at the Clerk's Office public terminal within the 90—day period.
		Notice of Intent to Request Redaction set for 11/12/2010. Redaction Request due 11/22/2010. Redacted Transcript Deadline set for 12/2/2010. Release of Transcript Restriction set for 1/31/2011. (mr) (Entered: 11/01/2010)
11/04/2010	<u>60</u>	ORDER of USCA granting Thomas L Wrights motion to withdraw as counsel for Mario Aldo Sauceda and appointing Mark D Jarmie re <u>51</u> Notice of Appeal (pg) (Entered: 11/10/2010)
12/13/2010	<u>61</u>	DESIGNATION OF RECORD ON APPEAL by Mario Aldo Sauceda re <u>51</u> Notice of Appeal – Final Judgment (Attachments: # <u>1</u> Appendix Docket Sheet)(Jarmie, Mark) (Entered: 12/13/2010)
02/11/2011	<u>62</u>	MANDATE of USCA we grant the government's motion to enforce the plea agreement, grant counsel's request to withdraw, and dismiss the appeal. re 51 (Attachments: # 1 order)(pg) (Entered: 02/11/2011)
06/23/2011	<u>64</u>	MOTION to Compel Warden Bruce Pearson of the FCC of Yazoo City to allow Petitioner to Receive his PSR by Mario Aldo Sauceda. (bap) (Entered: 06/23/2011)
11/28/2011	<u>65</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) filed by Mario Aldo Sauceda. (kdf) (Entered: 11/29/2011)
12/01/2011	<u>66</u>	ORDER to Answer as to Mario Aldo Sauceda by Magistrate Judge William P. Lynch. (epc) (Entered: 12/01/2011)
12/07/2011	<u>68</u>	MOTION for Extension of Time to File Response/Reply as to <u>65</u> MOTION to Set Aside Sentence by USA as to Mario Aldo Sauceda. (bap) (Entered: 12/08/2011)
12/08/2011	<u>67</u>	ORDER OF REFERENCE as to Mario Aldo Sauceda relating to Bankruptcy Appeals, Social Security Appeals, Prisoner Cases, Non Prisoner Pro Se Cases, and Immigration Habeas Corpus Proceedings by Senior District Judge John E. Conway (bap) (Entered: 12/08/2011)
12/09/2011	<u>69</u>	ORDER by Magistrate Judge William P. Lynch granting <u>68</u> Motion for Extension of Time to File Response/Reply as to Mario Aldo Sauceda (2). (epc) (Entered: 12/09/2011)
02/06/2012	<u>70</u>	RESPONSE to Motion by USA as to Mario Aldo Sauceda re <u>65</u> MOTION to Set Aside Sentence (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Affidavit)(Jordan, Aaron) (Entered: 02/06/2012)

02/22/2012	<u>71</u>	ORDER for Supplemental Briefing as to Mario Aldo Sauceda by Magistrate Judge William P. Lynch. (epc) (Entered: 02/22/2012)
02/28/2012	<u>73</u>	REPORT AND RECOMMENDATIONS as to Mario Aldo Sauceda re <u>65</u> MOTION to Set Aside Sentence by Magistrate Judge William P. Lynch. Objections to R&R due by 3/16/2012. (epc) (Entered: 02/28/2012)
03/05/2012	<u>74</u>	MOTION for Extension of Time to File Reply as to <u>70</u> Response to Motion for 2255 Relief and Request for a copy of Magistrate Judge's Recommendation Report by Mario Aldo Sauceda. (bap) (Entered: 03/06/2012)
03/06/2012	<u>75</u>	ORDER by Magistrate Judge William P. Lynch denying <u>74</u> Motion for Extension of Time to File Response/Reply as to Mario Aldo Sauceda (2). (epc) (Entered: 03/06/2012)
03/19/2012	<u>76</u>	OBJECTION TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS 73 by Mario Aldo Sauceda (bap) (Entered: 03/20/2012)
04/09/2012	<u>77</u>	ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS as to Mario Aldo Sauceda for <u>65</u> Motion to Set Aside Sentence filed by Mario Aldo Sauceda, <u>73</u> Report and Recommendations by Senior District Judge John E. Conway (bap) (Entered: 04/09/2012)
04/09/2012	<u>78</u>	Judgment as to Mario Aldo Sauceda dismissing Motion to Vacate with prejudice by Senior District Judge John E. Conway (bap) (Entered: 04/09/2012)
04/23/2012	<u>79</u>	NOTICE OF APPEAL by Mario Aldo Sauceda re <u>78</u> Judgment re: 28:2255 CV-11-1052 JC/WPL (Appeal Fee Not Required.) (bap) (Entered: 04/24/2012)
04/24/2012	<u>80</u>	Transmission of Preliminary Record ** Record on Appeal in 1 Volume as to Mario Aldo Sauceda to US Court of Appeals re 79 Notice of Appeal – Final Judgment (28:2255 in CV–11–1052 JEC/WPL) (bap) (Entered: 04/24/2012)
04/25/2012	<u>81</u>	USCA Information Letter with Case Number as to Mario Aldo Sauceda 12–2067 for 79 Notice of Appeal – Final Judgment filed by Mario Aldo Sauceda. (bap) (Entered: 04/25/2012)
07/30/2012	<u>82</u>	LETTER from the 10th Circuit of Appeals re: Final Orderas to Mario Aldo Sauceda (jrm) (Entered: 07/31/2012)
07/30/2012	<u>83</u>	"FILED IN ERROR" ORDER Denying Certificate of Appealability as to Mario Aldo Sauceda <u>79</u> ; Appeal is Dismissed (jrm) Modified on 7/31/2012 (jrm). (Entered: 07/31/2012)
07/30/2012	<u>84</u>	ORDER of USCA Denying Certificate of Appealability (certified copy) as to Mario Aldo Sauceda re <u>79</u> Notice of Appeal – Final Judgment (jrm) (Entered: 07/31/2012)
11/17/2014	<u>85</u>	MOTION to Reduce Sentence – USSC Amendment by Mario Aldo Sauceda. (bap) (Entered: 11/18/2014)
11/20/2014	86	PLEASE TAKE NOTICE that this case has been reassigned to District Judge Robert C. Brack.
		The first page of each document must have the case file number and initials of the assigned judge. Accordingly, further documents filed in this matter must bear the case number and the judge's initials shown in the case caption and the NEF for this document. Kindly reflect this change in your filings.
		District Judge John E. Conway no longer assigned to this case.  [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (kls)  (Entered: 11/21/2014)
02/13/2015	87	ORDER by Magistrate Judge Stephan M. Vidmar APPOINTING FEDERAL PUBLIC DEFENDER Greg Garvey. (jjs) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 02/17/2015)
03/16/2015	<u>88</u>	DEFENDANT'S MOTION for Order Finding Confession of Motion to Modify Sentence by Mario Aldo Sauceda. (jn) (Entered: 03/19/2015)

09/06/2016	<u>90</u>	ORDER by District Judge Robert C. Brack dismissing Defendant's moiton for lack of jurisdiction <u>85</u> Motion to Reduce Sentence – USSC Amendment and <u>88</u> Motion for Order as to Mario Aldo Sauceda (2) (jn) (Entered: 09/06/2016)
09/14/2016	<u>91</u>	Mail Returned as Undeliverable re <u>90</u> Order on Motion to Reduce Sentence – USSC Amendment, Order on Motion for Order. Mail sent to Mario Aldo Sauceda (jjs) (Entered: 09/14/2016)
10/18/2016	<u>92</u>	MOTION for Order <i>Regarding Defendant's Ineligibility to Reduce Sentence</i> by USA as to Mario Aldo Sauceda. (Burkhead, Jack) (Entered: 10/18/2016)
10/19/2016	<u>93</u>	ORDER by District Judge Robert C. Brack dismissing <u>92</u> Motion for Order as to Mario Aldo Sauceda (2) for lack of jurisdiction (jjs) (Entered: 10/19/2016)
10/12/2023	<u>94</u>	ORDER Transferring Jurisdiction – Part I as to Mario Aldo Sauceda by Sr. District Judge Robert C. Brack on 10/12/2023, pursuant to 18 U.S.C. 3605 for purposes of probation or supervised release. This document will be sent by USPPS–DNM to the receiving district for execution of Part 2, Order Accepting Jurisdiction. (jn) (Entered: 10/12/2023)